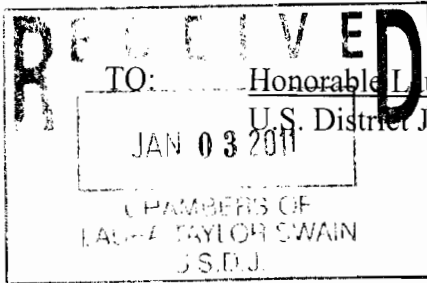


REQUEST FOR COURT ACTION / DIRECTION

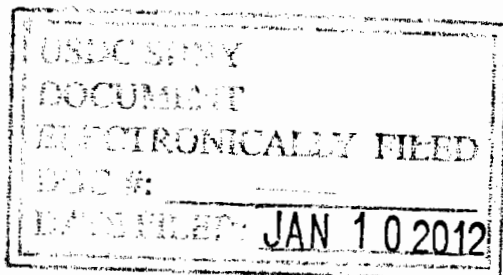


FROM: Giavonnii Foderingham
U.S. Probation Officer Asst.

OFFENSE: Wire Fraud {18 U.S.C. 1343},
a Class D Felony.

ORIGINAL SENTENCE: Twenty-four
(24) months imprisonment, followed by a
three (3) year term of supervised release.

SPEC. CONDITIONS: The defendant shall
pay the special assessment imposed or adhere to a
court-ordered installment schedule for the payment
of the special assessment. The defendant shall
notify the probation officer of any material change
in the defendant's economic circumstances that
might affect the defendant's ability to pay any
unpaid amount of restitution, fines, or special
assessment. The defendant will provide the
probation officer with access to any requested
financial information. The defendant will not incur
new credit charges or open additional lines of
credit without the approval of the probation officer
unless the defendant is in compliance with the
installment payment schedule. The defendant will
participate in a substance abuse treatment program
approved by the United States Probation Office,
which program may include testing to determine
whether the defendant has reverted to using drugs
or alcohol. The Court authorizes the release of
available drug treatment evaluations and report to
the substance abuse treatment provider, as
approved by the probation officer. The defendant
will be required to contribute to the costs of
services rendered (co-payment), in an amount
determined by the probation officer, based on
ability to pay or availability of third-party payment.
Defendant shall notify each business licensing
authority from which he now holds a license, and
each such authority to which he applies, of the
instant conviction and of the supervised release
condition that follows; and Defendant shall not
obtain or exercise, directly or indirectly, control
over the disposition of any deposits or other monies
solicited from clients for the payment of third party
fees or expenses in connection with a mortgage or
any other financing or service arrangements except
to pay over such monies to the third party, nor shall
defendant obtain or exercise, directly or indirectly,
control over any other deposits, applications or
other fees, or earnest money, paid by or on behalf
of a client in connection with any mortgage,
financing or service arrangement, until the
mortgage or other service sought by the client has
been provided. \$100 special assessment. \$15,000
fine. \$337,650.00 restitution.



AUSA: Michael A. Levy

DEF ATTY: Myles H. Malman

MED: March 1, 2012

RE: Steven Zoernack
Docket # 04-CR-868(LTS)

DATE OF SENTENCE: June 26, 2007

DATE: December 29, 2011

ATTACHMENTS: PSI X JUDGMENT X PREVIOUS REPORTS
VIOLATION PETITION

REQUEST FOR: WARRANT SUMMON COURT DIRECTION X

RESTITUTION BALANCE/APPROACHING MED

On June 26, 2007, Steven Zoernack was sentenced by Your Honor as specified above. In addition, the Court ordered the special conditions noted above. On March 2, 2009, Zoernack was released from the Bureau of Prisons at which time he commenced his three (3) year term of supervised release in the Middle District of Florida (MDFL).

In October 2010, a non-compliance report was forwarded to Your Honor wherein we advised of the releasee's failure to pay restitution at a rate of 25% gross monthly income as ordered by the court. At that time we requested no action be taken against the releasee and on October 8, 2010, Your Honor approved our request.

In March 2011, the probation department (MDFL) was notified by Your Honor that the releasee petitioned the Court for an early termination. The probation department (MDFL) advised Your Honor that Zoernack had been reluctant to repay his restitution in accordance with the Court's order. As such, on March 7, 2011, Your Honor denied the releasee's request for early termination.

Zoernack has satisfied his \$100 special assessment in full. Currently Zoernack is compliant with the payment schedule imposed by the court. Zoernack will expire from probation on March 1, 2012, with a restitution and fine balance. To date, Zoernack has paid \$18,824.72 towards restitution leaving a balance of \$318,825.28. It is worthy to note that once the releasee satisfies his restitution order then fine payments will commence.

Zoernack has been compliant with all conditions of his supervised release. In June 2009, the releasee successfully completed drug treatment and since that time all random urine samples obtained have tested negative for the presence of illegal substances. He maintains an affluent lifestyle in a gated golfing community located at 551 Eagle Watch Lane, Osprey, FL 34229 and stable employment at EquityStar, Inc., where he manages a commodities brokerage firm.

It should be noted that the releasee has submitted regular payments to the Court, but rarely without constant reminding by the probation department (MDFL) of his need to adhere to his court order. Zoernack has frequently indicated that he can barely cover the most meager of expenses. A review of Zoernack's monthly expenses reveal that he continues to live an extravagant lifestyle. This lifestyle includes his residing in a spacious residence located in a gated community, where his children enjoy the pleasure of attending private school. Zoernack currently pays a monthly mortgage of nearly \$4,000.00. When it was suggested to him by the probation department (MDFL) that he sell his home he currently resides in and downsizes in order to lower his monthly expenses, Zoernack responded that he already downsized and refused to downsize any more. As such, Zoernack has been instructed by the probation department (MDFL) to maintain his payments in accordance with his court order or adjust his lifestyle. Although Zoernack complains on a monthly basis regarding making restitution payments, he has paid in accordance with the court order.

Steven Zoernack

Docket No.: 04-CR-868(LTS)

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Zoernack is cognizant of his responsibility to continue making payments beyond the expiration of his supervised release term. Additionally, The U.S. Attorney's Office, Financial Litigation Unit (FLU) has been advised of Zoernack's expiration date of March 1, 2012.

On December 20, 2011, correspondence was received from USPO John D. Holderman (MDFL), requesting that we notify Your Honor of the releasee's adjustment to supervision and advise that Zoernack will expire from supervision on March 1, 2012, with a restitution and fine balance.

Steven Zoernack

Docket No.: 04-CR-868(LTS)

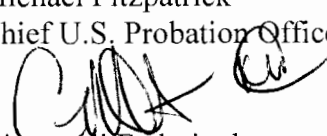
- 3 -

RECOMMENDATION

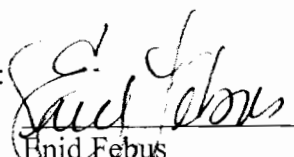
Zoernack's term of supervised release is scheduled to expire on March 1, 2012. Inasmuch as the U.S. Attorney's Office is expected to continue the enforcement of the restitution order beyond the expiration of supervision, the Middle District of Florida (MDFL) is recommending that the releasee be allowed to expire as scheduled.

Respectfully submitted,

Michael Fitzpatrick
Chief U.S. Probation Officer


Giovanni Foderingham
U.S. Probation Officer Asst.
212-805-5082

Approved by:


Enid Febus
Supervising U.S. Probation Officer

12/29/11
Date

181811/GAF:klh



Steven Zoernack
04-CR-868(LTS)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION DEPARTMENT**

JUDICIAL RESPONSE

THE COURT ORDERS:

☒ Allow Probation To Expire As Scheduled on March 1, 2012.

☐ Other

A handwritten signature in black ink, appearing to be "A. E.", written over a horizontal line.

Signature of Judicial Officer

1/10/2012

Date